

**REMARKS**

Claims 1-51 are pending in the application. Claims 1-10, 16, 17, 26, 27, 36-39, 50 and 51 have been rejected. Claim 40 is objected to. Claims 11-15, 18-25, 28-35, and 41-49 are allowed. Claims 1-51 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

**OBJECTIONS**

Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claim 40 has been rewritten in independent form to include all limitations of claim 36 and is now in a condition of allowance.

**CLAIM REJECTIONS – 35 U.S.C. § 102**

Claims 1, 7, 9, 16, and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Murphy (U.S. Patent No. 6,282,192).

All of the rejections are respectfully traversed, however claims 1, 7 and 16 have been amended to further clarify the subject matter of the inventions in order to facilitate bringing this case into allowance.

Claim 1 specifies a device for use with a voice gateway coupled in a network adapted to transmit network packets that meet a minimum packet switched network protocol, comprising a Wide Band (WB) telephone adapted to convert sound into sound signals that capture a wideband bandwidth of the sound; an encoder coupled to receive the sound signals and to encode them as voice data bits; a packetizer for packetizing groups of the voice data bits into intermediate packets without sufficient header information for transport over a packet switched network protocol; and a modem adapted to establish a first circuit switched connection with the voice gateway, and coupled to transmit the intermediate packets through the first connection.

The Office Action states that Murphy discloses the invention described in claim 1. The Office Action refers to Fig. 2, elements 27-28, and col. 3 lines 51-55.

Elements 26 and 27 shown in Figure 2 and further described at column 3, lines 51-55, do not describe a packetizer for packetizing groups of the voice data bits into intermediate packets without sufficient header information for transport over a packet switched network protocol, and a modem adapted to establish a first circuit switched connection with the voice gateway and coupled to transmit the intermediate packets through the first connection as specified in claim 1. The reference section in Murphy states that data packets are compressed and packetized by elements 26 and 27 "for transmission over the VoIP network 20" and does not describe an intermediate packet being transmitted through a first circuit switched connection.

Claim 1 is patentable for the same or similar reasons that claim 11 was previously allowed. Claims 7, 9, 16 and 17 are patentable for the same or similar reasons as discussed for claim 1.

#### CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 2, 3, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Oran (U.S. Patent No. 6,904,037).

The examiner is thanked for discussing the relevance of commonly owned subject matter when considering a 35 U.S.C. § 103(a) rejection. Murphy, Oran and the present invention were owned by the same assignee when the invention was made. Furthermore, because the present application was filed with the USPTO on April 10, 2001 and prior to the February 6, 2003 publication date of the Oran patent, the 35 U.S.C. § 103(a) rejection of claims 2, 3 and 8 is not applicable.

Claims 4, 5, 6, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Murphy in view of Li (U.S. Patent No. 6,850,577).

Claims 4, 5, 6 and 10 are dependent on claims 1 or 7 and therefore include all the same limitations as claims 1 or 7. Claims 4, 5, 6 and 10 are therefore patentable as a result of their being dependent on allowable claims.

Claims 26, 27, 36, 50, and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carew (U.S. Patent No. 6,512,764), in view of Li.

Claim 50 specifies a method comprising: establishing a circuit switched connection with a voice gateway coupled in a network which is adapted to transmit network packets that meet a minimum protocol; receiving voice signals from an analog wideband telephone, the voice signals encoding sound in a range of at least 200 Hz to 5 kHz; digitizing the received voice signals; encoding the digitized voice signals as voice data bits at a rate of at least 16

kbps; packetizing groups of the voice data bits into intermediate packets which do not meet the minimum protocol; and transmitting the intermediate packets through the circuit switched connection.

The Office Action states that Carew, in view of Li, discloses the invention described in claim 50. The Office Action refers to Fig. 2, elements 70, 74, 80, 84 and 88, and col. 4 lines 27-52.

There is no suggestion in Figure 2 or at column 4, lines 27-52, or anywhere else in Carew or Li of a method comprising packetizing groups of the voice data bits into intermediate packets which do not meet the minimum protocol and transmitting the intermediate packets through the circuit switched connection as specified in claim 50.

Carew discloses multiple packetizing options that may be selected exclusively for a voice signal according to a switching matrix 92 (Col. 5, lines 17-19). The switching matrix 92, as well as all other elements of Figure 2 referenced by the Office Action are shown as being included in the voice gateway 64 of Figure 1. It is further noted that gateway 64 is located intermediate between all of the circuit switched connections and the Router Internet Gateway associated with element 16. The encoding, packetizing and transmitting elements disclosed by Carew therefore are operating on a packet that will be transmitted over the Internet Gateway, and not over a circuit switched connection.

Carew does not disclose packetizing groups of the voice data bits into intermediate packets which do not meet the minimum protocol and transmitting the intermediate packets through the circuit switched connection. Instead, Carew transmits voice signals, not packets, over a circuit switched connection to the gateway, and then creates packets suitable for transmission over the Internet.

Claims 26 and 36 are patentable for the same or similar reasons as claim 50.

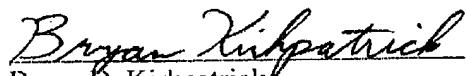
Claims 27, 37-39 and 51 are dependent on claims 26, 36 or 50 and therefore include all the same limitations as claims 26, 36 or 50. Claims 27, 37-39 and 51 are therefore patentable as a result of their being dependent on allowable claims.

Claim 11 has been amended to delete the extraneous word "and".

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-10, 16, 17, 26, 27, 36-39, 50 and 51 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

  
Bryan D. Kirkpatrick  
Reg. No. 53,135

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97205  
503-222-3613

**Customer No. 20575**